

GUIDELINES AND POLICY
ON PRE-SUBMISSION CONSULTATION
IN THE EA PROCESS



Environment
Ontario

Jim Bradley
Minister

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GUIDELINES ON PRE-SUBMISSION CONSULTATION
IN THE EA PROCESS

Ontario Ministry of the Environment
Environmental Assessment Branch
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GUIDELINES ON PRE-SUBMISSION CONSULTATION
IN THE EA PROCESS

INTRODUCTION

Pre-Submission Consultation (PSC) is the process of consulting with affected parties before the EA is formally submitted. In this context, consultation means to identify affected parties, to provide them with information as needed, to present and explain proposed planning activities and decisions to them, to seek their comments, and to modify, as necessary, to accommodate their concerns before proceeding. It is essential to carrying out good planning required by the Environmental Assessment Act.

These Guidelines discuss the Ministry's policy of Pre-Submission Consultation in the EA process, describing methods for making the consultation effective. They are intended to be used by a proponent in planning an environmental assessment (EA). They will also be useful to the public, Government ministries and agencies, and other affected parties, who want to participate in the proponent's planning.

PART 1 - PURPOSE AND PRINCIPLES

Pre-Submission Consultation has developed in Ontario as a vital part of the environmental assessment process.

Proponents and affected parties alike have found it in their interest to participate in consultation during the planning of an undertaking. Prior consultation can allay the opposition often provoked by the simple presentation of final decisions. Moreover, effective consultation improves the end product itself, which comes to reflect the collective knowledge, experience, values, and judgement of the proponent and affected parties together. PSC may also lead to a quicker approvals process.

PURPOSE

Pre-Submission Consultation should identify, inform, and involve all parties that may be affected by a study to address a particular problem or opportunity. The PSC process establishes positive, cooperative relations among all participants, develops workable compromises, and can lead to an undertaking which is generally agreed on and environmentally sound.

Pre-Submission Consultation brings a range of benefits:

For the proponent:

- helps in meeting EA requirements for planning and documentation
- identifies permits, licences, and approvals required
- identifies alternatives to consider
- directs the proponent to further sources of expertise and information
- encourages the proponent to identify and resolve issues to the extent possible before an EA is formally submitted

- ° focuses planning on issues of concern
- ° improves credibility with the public and minimizes opposition
- ° helps to design appropriate methods for assessing environmental impacts

For affected parties:

- ° promotes undertakings which address the concerns of affected parties.
- ° provides a means of identifying and resolving issues to the extent possible between the proponent and the affected parties before the undertaking is chosen and approval is sought.
- ° increases public awareness of a problem and of alternative solutions to it that may affect them
- ° provides an opportunity for the undertaking to be more acceptable to affected parties by allowing public concerns to influence decisions.

For the provincial environment:

- ° promotes good planning by fostering an effective investigation of alternatives before the undertaking is chosen
- ° ensures that planning identifies all areas of the environment potentially of concern and incorporates all appropriate mitigation measures
- ° improves the range and quality of information available on which decisions are based
- ° increases the efficiency of the approvals process
- ° encourages more informed, environmentally sound decisions

PRINCIPLES

It is the proponent's responsibility to adopt a planning process that allows and encourages the effective involvement of affected parties. Such a planning process should observe the following rules:

1. Pre-Submission Consultation means that affected parties help plan the undertaking. Consultation is not a separate procedure conducted parallel or subsequent to a planning process. Instead the planning process is constructed around the involvement and contributions of affected parties.
2. Planning occurs through a phased sequence of decisions. Consultation occurs before final decisions are made and in a manner that allows affected parties to contribute intelligently to the decisions required. Often several phases of decisions are developed to narrow a set of alternatives through progressively more detailed steps until an undertaking is selected.
3. Consultation begins with the earliest planning stages. Affected parties are consulted long before any irreversible decisions are made. Early decisions are often among the most controversial and significant and therefore particularly deserve consultation. For example, the proposed sequence of decision phases, showing the consultation schedule is an important topic for consultation.

4. Documentary support for consultation is required.
Information required for meaningful consultation is made available and accessible to affected parties. Planning and research documents are made intelligible to the non-specialist, and ample opportunity for review is provided in the planning schedule. Study team members are available to inform, listen, and respond to affected parties.
5. Consultation is systematic and flexible.
Consultation opportunities and events are scheduled and appropriately advertised so that affected parties understand their significance and are encouraged to participate. Yet consultation planning should also be sensitive to changing conditions, new information, or shifts in public opinion and therefore subject to review.
6. The role of consultation in planning decisions is visible. Consultation must be documented.
Procedures are required for recording comments and concerns, summarizing views on issues, and describing how the proponent's planning was affected by the information received.
7. Consultation is based on mutual respect of participants. The proponent, as initiator, has the responsibility of establishing a cooperative atmosphere by respecting the needs of affected parties to be adequately informed, to question, and to be listened to. Affected parties in turn have the responsibility to share in a cooperative search for the best solution.

PART II - RESPONSIBILITIES OF PSC PARTICIPANTS

The following is taken from the Ministry's PSC policy and outlines the roles and responsibilities of the participants in PSC.

PROPONENT'S RESPONSIBILITIES

The proponent is responsible for initiating and carrying out PSC in a manner which fosters cooperation. The proponent proposes the design and implementation of the study process and content of the EA. Anyone can challenge these proposals.

The proponent documents the concerns raised by affected parties including the EA Adviser and explains how these concerns have been addressed in planning. This information constitutes part of the EA Submission to the Minister of the Environment.

Involving Parties in PSC

The proponent is responsible for ensuring that PSC is open to all potentially affected government agencies and to all other organizations, groups, or individuals who may be affected or concerned. The proponent makes every reasonable effort at the outset of the study and at key stages throughout planning to inform potential parties of the nature of the study, and of how they may participate in the process.

Thereafter, the proponent can focus on those parties who have indicated an interest or concern. However, the proponent ensures that new parties can become involved at later stages in the study when additional matters or more detailed sources of information are being considered.

Sharing of Information

The proponent is responsible for responding to information requests in an open, forthright, and helpful manner and for providing affected parties and the EA Adviser with adequate time to review materials.

The proponent ensures that parties can become aware of perspectives other than their own. This sharing of views may lead to changes in the proponent's plans or the views of the parties.

Identifying key issues

The proponent focuses on identifying the significant environmental issues and deals with them in more detail than the issues with less environmental significance. However, to ensure that the significant issues are identified, the proponent does not narrow the focus prematurely.

Early Notification and Involvement

The proponent commences PSC at the early stages of planning. This is before decisions have been made on which alternatives will be identified and evaluated and on how the evaluation will be carried out. PSC starts when the proponent has a reasonable idea of a problem or opportunity requiring attention and long before making irreversible decisions or commitments of resources for a particular solution.

Proponents seek input on the:

- i) proposed sequence of decision stages
- ii) adequacy of the data base
- iii) alternatives to evaluate
- iv) methods for assessing the alternatives
- v) predicted environmental effects
- vi) proposed mitigation measures
- vii) the evaluation of alternatives and proposed decisions
- viii) the undertaking and its purpose
- ix) reports which document the above.

Flexibility

The proponent keeps sufficient flexibility in planning to reconsider decisions and does not narrow the focus prematurely. Planning methods are selected that keep as many alternatives open as long as possible, so that if a previously selected alternative proves unacceptable the proponent can study others.

Conflict Resolution

PSC, when it does not remove all conflicts, resolves those issues amenable to resolution and highlights the important differences that remain to be resolved. The approvals process can then focus on these unresolved concerns.

EA Documentation

The proponent in the EA summarizes the PSC process in a manner which can be understood by the non-specialist, describing who participated, the issues resolved and how, and the issues that remain unresolved.

Draft EA

The proponent circulates a draft EA to affected parties and the EA Adviser to identify and resolve, to the extent possible, all concerns.

The proponent may circulate successive improved versions of the draft EA until it is satisfied that issue resolution in PSC is complete. The EA documentation is finalized based on this review and formally submitted to the Minister of the Environment.

RESPONSIBILITIES OF AFFECTED PARTIES

All affected parties are responsible for providing timely comments in an open, forthright, and helpful manner, for considering the views of others, and for fostering cooperation.

Comments made during the formal approvals process should be consistent with those given earlier in PSC, unless sound reasons exist for the change in position. Such comments identify significant environmental concerns, explain their significance, and suggest measures to address the concerns.

Continuity in the participation of affected parties allows the proponent and those involved in the approvals process to be fully aware of any positions taken at PSC.

Based on their mandates, Ontario government ministries and agencies provide comments to the proponent during PSC on the merits of the proposed undertaking, its purpose, and its alternatives. In particular, they comment on the adequacy of the description of the environment affected, any alternatives neglected, the predictions of environmental effects, the mitigation measures proposed, and the evaluation of the alternatives.

At the request of the proponent, government ministries and agencies provide comments on the extent to which draft EA documentation addresses their mandate concerns.

RESPONSIBILITIES OF THE EA ADVISER

When the proponent advises the Ministry of the Environment of a study that may result in an EA, an EA Adviser normally from the EA Branch, is designated as the proponent's Branch contact person. The same EA Adviser usually becomes the Review Coordinator of the formal EA submission.

The EA Adviser:

- ° advises the proponent on how to carry out an EA planning process which meets EA Act requirements.
- ° helps the proponent identify the government ministries and agencies, organizations, and individuals that should have an opportunity to participate in PSC.
- ° assists proponents and affected parties in understanding the requirements of the EA Act and PSC.
- ° acts as a facilitator during PSC at the request of the affected parties or the proponent. The Adviser plays this role only with the consent of all those involved and only where such involvement is not likely to compromise the Adviser's role in the formal approvals process.
- ° provides comments to the proponent in an open, forthright, helpful, and timely manner. Comments during the formal approvals process are consistent with those given in PSC unless sound reasons can be given for the change of position.

- at the request of the proponent, comments on the extent to which the draft documentation of the planning process is consistent with the requirements of Section 5(3) of the EA Act. The Adviser also provides advice on how to improve the planning and the EA documentation if deficiencies are found.

Files on projects in Pre-Submission Consultation are maintained at the EA Branch offices in Toronto and are available for any affected party to review upon request. The EA Branch files contain all information received by the Branch from any participant in PSC. Certain information may also be reviewed at the local District or Regional office of the Ministry.

PART III - INCORPORATING CONSULTATION IN PLANNING

PLANNING FOR CONSULTATION

The steps in Pre-Submission Consultation reflect the phases of the planning process for an undertaking. Consultation should take place at each stage and the comments should be integrated into planning before decisions leading to the next stage are made.

The consultation program for an undertaking first appears as part of the proposed decision sequence when the proponent announces the commencement of work leading to the preparation of an EA. The decision sequence should reflect the main environmental issues of concern for affected parties.

The announcement should focus on information the public and other affected parties require at this early point in the EA process. Such information includes the purpose for the planning and the opportunities for input in decision-making. An overview of the EA process would also be useful at this time. The initial announcement should be followed immediately by subsequent consultation activities to establish an effective dialogue.

A draft consultation plan should itemize all potential affected parties (including interest groups, individuals, and relevant ministries and agencies) and should select the most appropriate consultation methods for contact. It should outline for discussion a work program or schedule of events for consultation throughout the entire planning process. This preliminary program, when reviewed and revised through consultation, should be updated as planning proceeds.

The proponent should contact the following parties:

- ° affected government ministries and agencies,
- ° individuals or groups with a record of involvement in similar projects, both in the study area and elsewhere,
- ° parties requiring notification under the Environmental Assessment Act,
- ° parties likely to be directly or indirectly affected by the alternatives,
- ° known experts in aspects of the study,
- ° property owners on or adjacent to the sites once potential sites for an alternative are known.

PROGRAM COORDINATION

Experienced consultation coordinators have proven to be valuable in the planning and implementation of consultation. They can suggest appropriate methods, assist in the early identification of affected parties, and facilitate conflict resolution. A coordinator can also be instrumental in bringing issues and concerns to the proponent in an organized way.

The proponent may wish to employ an individual who is familiar with local issues and concerns to coordinate part or all of the consultation. A consultation coordinator should be a person accepted by all participants as knowledgeable, respected, neutral, and receptive to new ideas and concerns.

METHOD SELECTION

Before selecting methods for consultation the proponent should be able to answer a few basic questions.

- Who are the participants?
 - ° How many interests are involved?
 - ° Are there conflicts or issues?
- What resources are available?
 - ° Time
 - ° Trained personnel
 - ° Level of funding

Once answers to these questions are known, the proponent can consider various methods for implementing a program for each planning phase. In selecting the most appropriate methods it may be useful to ask:

- Is the method appropriate for the expected audience?
- Does it adequately inform the participants?
- Does it encourage a level of interaction and involvement appropriate to the decisions to be made?
- Does the method help identify issues, concerns, problems, and viewpoints?
- Does it allow for ideas to be gathered which can be used to solve problems?

Some methods of consultation are used mainly to convey information, others to encourage dialogue. When a proponent chooses methods, the distinction between methods which are mainly informational, and those which foster two-way communication should be kept in mind.

ANALYSIS AND EVALUATION

The proponent should consolidate the comments from a consultation activity in an abbreviated format which can be easily read and evaluated by all interested parties. A summary report is then produced which presents the proponent's understanding of concerns and the steps taken to respond to them.

The purpose of the analysis is to summarize the number, content, and nature of comments. The analysis should attempt to answer such questions as:

- What comments were made concerning alternatives, their net effects and advantages and disadvantages?
- What reasons were given to support opinions?
- Who responded?
- Where did the input originate (e.g. locally, regionally, provincially)?
- What additional information, ideas, and issues were presented?

Evaluation begins after the analysis of comments has been completed. It is done to provide a basis for the integration of comments into the decision-making process. Evaluation interprets the importance of the public input relative to the other factors the proponent must consider.

While there is no special formula for evaluating comments, all requirements of the Environmental Assessment Act must met. It is the proponent's responsibility to carry out the evaluation and to arrive at a decision by considering and weighing various viewpoints and documenting how the decisions were made. It is up to the proponent to choose the undertaking and seek approval for it.

DOCUMENTATION

Affected parties should be notified when key decisions are reached. The proponent provides a clear statement in the EA documentation on how comments were used in the decision-making process. Providing information on comments and the proponent's response to them in the EA may prove to be very significant in obtaining public acceptance of the final decision.

APPENDIX A - METHODS AND TECHNIQUES

CONSULTATION METHODS

The following is a brief description of some of the methods available to elicit and coordinate consultation. **It is important not to rely on any single method of consultation. The integration of several methods is suggested.** For example, proponents may wish to use working groups or workshops in conjunction with a conference.

FIGURE 1 summarizes several consultation methods and estimates their effectiveness according to pertinent criteria.

The ratings (high-medium-low) are based on experience and a literature review of methods. A **high** rating indicates a highly effective level of party-proponent interaction in problem solving and decision-making. A **medium** rating indicates a moderate exchange of information and involvement; a **low** rating indicates no input in the proponent's decision-making process, with information flowing predominantly from the proponent to affected parties with minimal opportunities for feedback.

FIGURE 2 explains the criteria used to evaluate the methods of consultation listed in Figure 1.

Public Advisory Committee/Working Group

An advisory committee is a group of individuals representing various interests affected by alternatives under discussion in a planning process. The Committee can provide a forum to discuss and evaluate issues, alternatives, and environmental concerns.

FIGURE 1

CONSULTATION METHODS

METHOD	Audience Size	Expertise Required	Level of Involvement	Information Exchange	Education Potential	Problem Solving Value	Issue Identification
<u>Public Advisory Committee/ Working Group</u>	small	high	high	high	high	high	high
<u>Workshop/Seminar/ Conference</u>	medium to large	high	high	high	high	high	high
<u>Open House (Public Information Centre)</u>	large	medium	medium	high	high	low	medium
<u>Public Meeting</u>	large	medium	low to medium	low to medium	low	low	medium to high
<u>Field Trip/Site Visit</u>	medium	low to medium	low	low to medium	medium	medium	medium
<u>Display</u>	medium to large	low	low	low	low to medium	low	low
<u>Survey and Questionnaire</u>	small to large	high	low	low to medium	medium	low	medium to high
<u>Briefing to Interest Group</u>	small	medium to high	medium	medium	medium to high	low	medium
<u>Media Presentation</u>	large	medium	low	low	medium	low	low

Note: Criteria are explained in Figure 2. No ranking of methods is implied.

FIGURE 2

EVALUATION CRITERIA FOR FIGURE 1

Audience Size:	Normally considered to be: <u>small</u> 1-15, <u>medium</u> 16-50, and <u>large</u> greater than 50
Expertise Required:	Skills required by the proponent to provide effective consultation, such as presentation skills, technical knowledge and group interaction skills, questionnaire design experience, technical writing, preparation of displays.
Level of Involvement:	the potential for information exchange and input into the various processes.
Information Exchange:	the degree of information exchange that can be expected.
Education Potential:	the potential to raise the level of understanding of local issues and concerns, technical information etc. among all participants.
Problem Solving Value:	the potential to solve problems and assist in the resolution of outstanding issues.
Issue Identification:	potential to identify contentious and important issues within the study process.

A **public advisory committee (PAC)**, sometimes called a public liaison committee (PLC), usually serves in an advisory capacity to a study team. A PAC is a useful approach for information exchange between the public and the proponent. A PAC usually does not make decisions but is expected to arrive at reasoned recommendations. The PAC may make recommendations on evaluation criteria, public consultation programs, and aspects of the evaluation methodology, as well as act as a vehicle to keep the public informed of the study's progress.

Members of a PAC are sought from the community and may include representatives from such groups as interest groups, industry, chambers of commerce, and affected municipalities.

At the first meeting of the PAC, the terms of reference of the committee should be outlined. In some cases, the PAC may provide input into the creation of its terms of reference. The chairperson is usually appointed from the general membership of the PAC, oversees its operation and conveys its recommendations to the study team. Meetings are usually open to the public and publicized.

A **working group** is a small problem solving committee that deals with specific tasks or projects. A working group may have members (usually 6 to 12) representing many different interests, such as ministries and agencies and interest groups. Because it often attempts to reach a consensus, working groups help to focus on the resolution of important issues.

Both advisory committees and working groups may produce position papers throughout the study process and a final set of recommendations concerning the undertaking and its alternatives.

Workshop/Seminar/Conference

Workshops, seminars, and conferences provide an opportunity for a large number of people to learn about many diverse viewpoints. They are particularly useful for informing the public and increasing the general level of understanding.

A **workshop** is a problem solving method and provides an opportunity for the exchange and clarification of information. A workshop usually consists of a number of people working in groups to identify, discuss, and resolve particular issues or problems. **Conferences and seminars** are used mainly to provide large groups with information on the planning process, the alternatives, and technical matters. They usually consist of a number of short presentations followed by question and answer periods.

All of the above methods need organization with objectives set out beforehand. A skilled moderator is normally required. To be successful, these methods also require proper notification of the event, an agenda, and a written summary (proceedings).

Open House (Public Information Centre)

An open house is a drop-in centre situated in an accessible location. Information is provided through a variety of exhibits, such as charts, maps, audio-visual presentations, reports, and brochures. The proponent, consultants, and technical staff should be available to provide information and record comments. Open houses are usually held at different stages throughout the process; such as, to announce the program, to provide background information on a key study phase, and to obtain public input and suggestions. Advance notification may be done by mailing, advertising, and the use of the media.

The open house can serve as a focal point for the consultation process. The meetings should be held at times when people are available, such as in the evening or on weekends and should avoid holiday periods.

The success of an open house depends on the advertisement and accessibility of the open house, proponent staff participation, anticipation of audience concerns, and initiating and maintaining two-way communication between the proponent and the affected parties. Response forms should be available to fill out. Completed forms provide the proponent with a written record of input and response. In a large study area, several open houses in different locations may be needed.

Public Meeting

A public meeting is a gathering of the general public to present and exchange information with the proponent. Public meetings are useful to present and receive information and to acknowledge public input. Advertising and publicity are crucial to such meetings, as is the timing to capture the maximum attendance. The study team members should be available to answer questions. A question and answer period after a presentation may be a useful way of obtaining public reaction to the ideas presented.

Disadvantages include the intimidating atmosphere that large public meetings can create and the limited exchange of information which the meeting provides.

At the meeting the public should be informed about the method that will be used to incorporate their concerns into the study.

Field Trip/Site Visit

A site visit by interested parties provides a first hand view of the alternatives under investigation and may be a valuable educational tool. It can help to identify mitigation measures and concerns, but it requires a considerable amount of preparation in advance.

This method is most effective for small groups. It may include bus trips to view similar facilities, to examine alternative sites, and to observe environmental effects and mitigation measures.

Display

Displays are often used in conjunction with other forms of consultation such as public meetings or open houses. Displays can also be used on an ongoing basis at locations which are readily accessible to the public such as a public library. Displays should be informative and easily constructed and may include site plans, maps, photos, and charts on study stages. The display should be integrated with handouts for later reference. Comments should be encouraged. The display should clearly indicate how to contact proponents, agencies and consultants.

Survey and Questionnaire

Surveys and questionnaires may be done in person or by mail (mail survey responses are usually around 30%). Surveys often identify significant issues and have a greater potential audience when mailed. Surveys are a multipurpose tool. They can be used to rate evaluation criteria, solicit information or comments on the

alternatives, and to assess perceived tradeoffs. A high level of expertise is required in the establishment of a survey, including the setting of specific objectives and formats that are readily analyzed and statistically valid. Surveys and questionnaires are most appropriately designed by trained professionals.

Briefing to Interest Groups

A briefing is a presentation on issues to members of various groups, such as ministries and agencies, concerned about the study. A briefing may have an information/educational purpose to stimulate involvement or to provide accurate information. A briefing can often clear up misunderstandings, misinformation, and perceived problems which may be created in the course of a study.

Briefings require staff expertise (communications skills) since the information should be presented in a clear and straightforward manner. Briefings are usually more focused than a public meeting, and the proponent should be ready to address specific concerns that may be raised.

Media Presentation

Media presentations may include the use of posters, cable television, radio, newspapers, brochures, newsletters and reports. These communication devices are passive because the flow of information is one way; however, they can encourage the public to take a more active role in the study. It is important for the proponent to educate and work effectively with the news media to help ensure that a balanced and thorough coverage of the process is obtained.

The use of central depositories of information, such as libraries or municipal offices is recommended to ensure access to material by all groups. Media presentations can be used to identify other public participation events such as open houses, workshops, and public meetings to ensure a large and informed attendance at the meetings.

COMMUNICATION TECHNIQUES

Proponents are encouraged to explore several ways to announce events, rather than relying exclusively on one or two techniques. The following techniques are commonly used:

- News Release
- Paid Advertisement
- Brochure or Factsheet
- Newsletter
- Poster/Display
- "Call-In" Radio/
Television Program
- Audio/Visual
Presentation
- Public Service
Announcement
- Informal Community
Network

A **news release** makes information available to a large and diverse audience. It spells out exactly what a proponent wants to say about a topic. However, it will likely be rewritten or shortened by newspaper staff, and not all people will see the final article.

Paid advertisements guarantee that information gets into print or on the air the way the proponent wants it to. Ads may have to be placed in several papers or be aired by many radio stations on several days to ensure adequate coverage.

Brochures and factsheets can be used to supplement messages aired by the media. They are useful at the beginning of a public participation program to give a quick overview. **Newsletters** can be used to give regular or intermittent updating on an EA. A mailing list is required and should be kept current.

Printed material is a valuable educative tool and can be used to urge people to communicate their concerns. It can also provide opportunities for people to comment if a response form is included. As well, it provides a record of information given to the public.

Posters and displays are often used in addition to paid advertisements to notify the public of coming events. They should be easy to read, uncomplicated in design, and located in high traffic areas. Public libraries, store fronts, community centres, and shopping malls are good places to post announcements or set up displays.

Many radio and television stations regularly air **"call-in"** programs. These programs can be used to explain the topic and solicit public comments. The program host can be supplied with a series of prepared questions to bring out points the proponent wishes to make.

Audio/visual presentations (A/V) can help to get a proponent's message across. Slide projectors, easel stands, overhead projectors, and video can be used to highlight points.

Before making a presentation a proponent should visit the meeting facilities and consider the size of the audience to choose the most suitable form of A/V.

Public service announcements, aired on radio and community TV can reach a wide audience. They generate an awareness but are usually too short to create a clear understanding. There is also no guarantee that public service announcements will be aired.

Informal communication networks exist in all communities. The "service club" is one such network. Involving these networks in the EA process can increase the effectiveness of public consultation. Proponents should become familiar with the ways in which people within networks communicate with each other, the locations and times of meetings, and key persons to contact within the network.

POLICY
ON
PRE-SUBMISSION CONSULTATION
IN THE
EA PROCESS



M.O.E. Policy Manual

POLICY TITLE	PRE-SUBMISSION CONSULTATION IN THE EA PROCESS	NO 03-03-01
<p><u>Legislative Authority</u> The Environmental Assessment Act</p>		
<p><u>Statement of Principles</u> The process of consulting with affected parties before submitting the EA is essential to carrying out good planning required by the EA Act.</p> <p>Pre-submission consultation (PSC) is not a separate procedure conducted parallel to or after a planning process. The input of affected parties is an integral part of the planning process and begins at the earliest possible stages.</p> <p>All parties are responsible for participating in an open, forthright and cooperative manner and for providing the information required for meaningful consultation to take place. The proponent, as initiator, has the prime responsibility for establishing a cooperative atmosphere by respecting the needs of affected parties to be adequately informed, to question and to be listened to. Affected parties have the responsibility to share in a cooperative search for the best solution.</p> <p><u>Definitions</u></p> <p>'The proponent' is the organization responsible for the planning and implementation of the undertaking.</p> <p>'Affected parties' are any members of the public or public interest groups with an interest in the undertaking as well as government reviewers and the EA Adviser.</p>		
<u>Point of Contact</u>	Director, Environmental Assessment Branch	
<u>Effective Date</u> November 12, 1987		

'The EA Adviser' is normally the Environmental Planner from the Environmental Assessment Branch who advises proponents and affected parties on PSC and EA Act requirements.

Introduction

This policy is designed to ensure that proponents consult with affected parties before the EA is formally submitted. Pre-Submission Consultation (PSC) is not a legislative requirement.

Files on projects in Pre-Submission Consultation are maintained at the EA Branch offices in Toronto and are available for any affected party to review upon request. The EA Branch files contain all information received by the Branch from any participant in PSC. Certain information may also be reviewed at the local District or Regional Office of the Ministry.

In this context, consultation means to identify affected parties, to provide them with information as required, to present and explain proposed planning activities and decisions to them, to seek their comments, and to make any necessary modifications to accommodate their concerns before proceeding.

Before incorporating PSC in a planning process, a proponent should review the accompanying 'Guidelines for Pre-Submission Consultation in the EA Process', which describe consultation principles and techniques consistent with PSC policy.

1. Policy Objectives

- i) To assist the proponent in carrying out planning and in documenting that planning to meet EA Act requirements.
- ii) To assist the proponent in designing appropriate methodologies for assessing environmental impacts.
- iii) To identify approvals, licences, and permits required.
- iv) To identify alternatives for the proponent to consider.
- v) To improve the understanding of environmental concerns before the undertaking is selected.
- vi) To address factual questions.
- vii) To direct the proponent to further sources of expertise and information.
- viii) To encourage the proponent to identify and resolve issues to the extent possible before an EA is formally submitted.

- ix) To focus the proponent's planning on matters of concern.
- x) To reduce the time involved in the formal approvals process.
- xi) To promote mutually acceptable, environmentally sound solutions by developing positive relationships among those involved in consultation.
- xii) To allow proponents to test the undertaking and the planning process before seeking approval.

2. Proponent's Responsibilities

The proponent is responsible for initiating and carrying out PSC in a manner which fosters cooperation. The proponent proposes the design and implementation of the study process and content of the EA. Any affected party can challenge these proposals.

The proponent documents the concerns raised by affected parties including the EA Adviser and explains how these concerns have been addressed in planning. This information constitutes part of the EA Submission to the Minister of the Environment.

2.1 Involving Parties in PSC

The proponent is responsible for ensuring that PSC is open to all potentially affected government agencies and to all other organizations, groups, or individuals who may be affected or interested. The proponent makes every reasonable effort at the outset of the study and at key stages throughout the planning to inform potential parties of the nature of the study, and of how they may participate in the process.

Thereafter, the proponent can focus on those parties who have indicated an interest or concern. However, the proponent ensures that new parties can become involved at later stages in the study when additional matters or more detailed sources of information are being considered.

2.2 Sharing of Information

The proponent is responsible for responding to information requests in an open, forthright and helpful manner and for providing affected parties and the EA Advisor with adequate time to review material.

The proponent ensures that parties can become aware of perspectives other than their own. This sharing of views may lead to changes in the proponent's plans or in the views of the parties.

2.3 Identifying Key Issues

The proponent focuses on identifying the significant environmental issues and deals with them in more detail than the issues with less environmental significance. However, to ensure that the significant issues are identified, the proponent does not narrow the focus prematurely.

2.4 Early Notification and Involvement

The proponent commences PSC at the early stages of planning. This is before decisions have been made on which alternatives will be evaluated and on how the evaluation will be carried out. PSC starts when the proponent has a reasonable idea of a problem or opportunity requiring attention and long before making irreversible decisions or commitments of resources for a particular solution.

Proponents seek input on the:

- i) proposed sequence of decision stages
- ii) adequacy of the data base
- iii) the alternatives to evaluate
- iv) methods for assessing the alternatives, including design of impact prediction studies
- v) predicted environmental effects
- vi) proposed mitigation measures
- vii) evaluation of alternatives and proposed decisions
- viii) undertaking and its purpose
- ix) reports which document the above.

2.5 Flexibility

The proponent keeps sufficient flexibility in planning to reconsider previous decisions and does not narrow the focus prematurely. Planning methods are selected that keep as many alternatives open as long as possible, so that if a previously selected alternative proves unacceptable the proponent can study others.

2.6 Conflict Resolution

PSC, when it does not remove all conflicts, resolves those issues amenable to resolution and highlights the important differences that remain to be resolved. The approvals process can then focus on these unresolved concerns.

2.7 EA Documentation

The proponent in the EA summarizes the PSC process in a manner which can be understood by the non-specialist, describing who participated, the issues resolved and how, and the issues that remain unresolved.

2.8 Draft EA

The proponent circulates a draft EA to affected parties and the EA Adviser to identify and resolve to the extent possible all concerns. The proponent may circulate successive improved versions of the draft EA until it is satisfied that issue resolution in PSC is complete.

The EA documentation is finalized based on this review and formally submitted to the Minister of the Environment.

3. Responsibilities of Affected Parties

All affected parties are responsible for providing timely comments in an open, forthright, and helpful manner, for considering the views of others, and for fostering cooperation.

Comments made during the formal approvals process should be consistent with those given earlier in PSC unless sound reasons exist for the change of position. Such comments identify significant environmental concerns, explain their significance, and suggest measures to address the concerns.

Continuity in the participation of affected parties allows the proponent and those involved in the approvals process to be fully aware of any positions taken at PSC.

Based on their mandates, Ontario government ministries and agencies provide comments to the proponent during PSC on the merits of the proposed undertaking, its purpose, and its alternatives. In particular, they comment on the adequacy of the description of the environment affected, any alternatives neglected, the predictions of environmental effects and the mitigation measures proposed, and the evaluation of the alternatives.

At the request of the proponent, government ministries and agencies provide comments on the extent to which draft EA documentation addresses their mandate concerns.

Copies of any written comments made in PSC should be provided to the EA Adviser. These comments will be placed in the EA Branch files where they are available to any affected party upon request.

4. Responsibilities of The EA Adviser

When the proponent advises the Ministry of the Environment of a project that may result in an EA, an EA Adviser normally from the EA Branch, is designated as the proponent's contact person. The same EA Adviser usually becomes the Review Coordinator of the formal EA submission.

The EA Adviser:

- i) advises the proponent on how to carry out an EA planning process which meets EA Act requirements.
- ii) helps the proponent identify the government ministries and agencies, organizations, and individuals that should have an opportunity to participate in PSC.
- iii) assists proponents and affected parties in understanding the requirements of the EA Act and PSC.
- iv) acts as a facilitator during PSC at the request of affected parties or the proponent. The Adviser plays this role only with the consent of all those involved and only where such involvement is not likely to compromise the Adviser's role in the formal approvals process.
- v) provides comments to the proponent in an open, forthright, helpful, and timely manner. Comments during the formal approvals process are consistent with those given in PSC unless sound reasons can be given for the change of position.
- vi) at the request of the proponent, comments on the extent to which draft documentation of the planning process is consistent with the requirements of Section 5(3) of the EA Act. The Adviser also provides advice on how to improve the planning and the EA documentation if deficiencies are found.

03-03-07

Comments and suggestions for improvements to this policy are welcome and should be sent to the Director, Environmental Assessment Branch, Ministry of the Environment. The Ministry of the Environment has established an Environmental Assessment Improvement Project (EAPIP). All comments which are received will be forwarded to EAPIP for consideration as part of the Program Improvement Project.

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